



PUBLIC SECTOR NEWSLETTER - VICTORIA

Welcome to Issue 84 of the Victorian Public Sector Newsletter.

In this edition, the Department of Home Affairs has released a scoping paper on how the Australian public sector can avoid supporting modern slavery in its procurement and purchasing practices. Relevant stakeholders have called upon the Department to ensure any plan to eradicate modern slavery focuses on human rights.

Back to news on COVID-19, the Federal Government will set up a new parliamentary inquiry into family, domestic and sexual violence including the impact of the COVID-19 stay at home orders. The Victorian Government's Public Accounts and Estimates Committee is also now accepting submissions into its Inquiry into the Victorian Government's response to the COVID-19 pandemic.

There have been some interesting decisions in the Courts, with the Victorian Court of Appeal considering the right to a trial by jury in light of the COVID-19 pandemic and the Federal Court ordering a telecommunications company to hand over records identifying a reviewer on an online platform. Finally, the High Court handed down the well-publicised decision to classify the correspondence relating to the dismissal of the Australian Government in 1975 between the Australian Governor General and Her Majesty the Queen as Commonwealth records under the *Archives Act 1983*.

We hope you enjoy this edition of our public sector newsletter.

IN THE MEDIA

Optus ordered to hand over information about author of negative Google review

Optus has been ordered to hand over the details of a customer accused of defaming a Melbourne dentist through a Google review, which he says has had a

profound impact on his teeth-whitening business. (05 June 2020) <https://www.abc.net.au/news/2020-06-05/optus-ordered-to-hand-over-information-on-google-review-author/12322174>

ABC red hot popular in bushfire reports

Independent research commissioned by the ABC has found the people of Australia turned to the national broadcaster in record numbers during summer's bushfire crisis. The researchers found that not only was the ABC the most trusted information source about the bushfire, it saved lives as a result of people acting on the information it provided. (04 June 2020) <https://about.abc.net.au/press-releases/australians-turn-to-the-abc-during-bushfires-crisis/>

Legislation To Increase Manslaughter Sentences Passes

Legislation to increase the maximum penalty for manslaughter, child homicide and workplace manslaughter has passed Victorian Parliament. (04 June 2020) <https://www.premier.vic.gov.au/legislation-to-increase-manslaughter-sentences-passes/>

High Court decides 'Palace letters' written during the Whitlam dismissal can be accessed by historian

Written correspondence between the Australian Governor-General and Her Majesty the Queen relating to the dismissal of the Australian Government in 1975, have been judged by the High Court to be Commonwealth records under the *Archives Act 1983*. <https://www.abc.net.au/news/2020-05-29/high-court-rules-palace-letters-released-historian-jenny-hocking/12299164>

New Appointments to Court of Appeal and Supreme Court

The Andrews Labor Government has announced the appointments of Justice Michael Sifris to the Court of Appeal and Kathryn Stynes and Jim Delany QC to the Trial Division of the Supreme Court. (02 June 2020) <https://www.premier.vic.gov.au/new-appointments-to-court-of-appeal-and-supreme/>

Statement on High Court ruling of unlawful use of force in Don Dale, by Law Council President

The High Court's decision that the deliberate and intentional deployment of tear gas on four teenagers by prison officers in Darwin's Don Dale Youth Detention Centre was unlawful, is a timely reminder that the use of force on Aboriginal and Torres Strait Islander peoples will not be tolerated in Australia. (03 June 2020) <https://www.lawcouncil.asn.au/media/media-releases/statement-on-high-court-ruling-of-unlawful-use-of-force-in-don-dale>

Human rights - not corporate interests - must inform the Government's plan to eradicate modern slavery

A coalition of civil society organisations, unions and academics has called on the Department of Home Affairs to include union and human rights experts in the newly established Modern Slavery Expert Advisory Group to ensure workers' rights and not just the interests of business are at the centre of the Government's plan to eradicate modern slavery. (02 June 2020) <https://www.hrlc.org.au/news/2020/6/1/human-rights-not-corporate-interests-must-inform-govts-modern-slavery-plan>

Australian Government a world leader in eradicating modern slavery

The Australian Government has released a scoping paper on the Commonwealth Modern Slavery Statement. The Commonwealth Modern Slavery Statement will report on modern slavery risks in the Government's procurement and investment activities and explain the steps taken to identify and respond to these risks. (01 June 2020) <https://minister.homeaffairs.gov.au/jasonwood/Pages/australian-government-world-leader-eradicating-modern-slavery.aspx>

New parliamentary inquiry into family, domestic and sexual violence to include impact of COVID-19

News that the Federal Government is to set up a new parliamentary inquiry into family, domestic and sexual violence, and include the impact of the COVID-19 stay-at-home orders amongst its terms of reference, is greatly welcomed. Particularly given the failure of the most recent senate inquiry into domestic violence. (01 June 2020) <https://www.lawsociety.com.au/news-and-publications/publications/monday-briefs-online/june-2020/monday-briefs-1-june-2020>

Health leaders warn over 'failing' environmental laws

More than 180 health professionals have signed an open letter to environment minister, Sussan Ley, warning the government to strengthen Australia's weak environment laws, or risk the future health of the nation. (25 May 2020) <http://medicalrepublic.com.au/health-leaders-warn-over-failing-environmental-laws/29376>

IN PRACTICE AND COURTS

[OAIC: COVID-19](#)

The OAIC has developed advice and guidance on privacy and freedom of information in the context of the COVID-19 outbreak for individuals, Australian Government agencies and organisations covered by the *Privacy Act 1988*.

[Commonwealth Modern Slavery Statement Paper](#)

This would report on modern slavery risks in the Government's procurement and investment activities and explain the steps taken to identify and respond to those risks, and link with Australia's *Modern Slavery Act 2018*, the only legislation in the world requiring a Government to report on modern slavery risks in its procurement activities.

IBAC Prosecutions

[Victoria police officer sentenced for recklessly causing injury following IBAC investigation](#)

Victoria Police Officer Ross Fowler has been sentenced to a fine of \$10,000 at the Melbourne County Court for recklessly causing injury following an investigation by IBAC.

[IBAC investigation finds public sector manager misused position to benefit private recruitment company](#)

An investigation by Victoria's anti-corruption Commission has found a former Department of Education and Training project manager misused their position when he sourced IT contractors from a company he owned for his personal benefit.

[Parliament of Victoria: Inquiry into the Victorian Government's Response to the COVID-19 Pandemic - Have your say](#)

The Public Accounts and Estimates Committee is accepting submissions to its Inquiry into the Victorian Government's response to the Covid-19 pandemic. Submissions close on 31 July 2020.

[Update on VCAT Hearings](#)

From 18 May 2020, VCAT will be progressing currently listed matters using telephone or video conferencing where they can reasonably proceed. VCAT will contact parties to confirm whether their matter will progress on the listed date and by which technology. VCAT are still accepting all relevant matters and will contact you to discuss potential hearing dates.

[Value of Fee and Penalty Units set for 2020-21](#)

The Treasurer has set an annual rate increase for 2020-21 of 0.00 per cent. The values of a fee unit and a penalty unit for the next financial year commencing 1 July 2020 are: the value of a fee unit is \$14.81; and the value of a penalty unit is \$165.22

PUBLISHED - ARTICLES, PAPERS, REPORTS

[Vindication of Professional Reputation Arising from Defamatory Online Publications](#)

This article identifies the growing phenomenon of professionals suing their clients/patients for online defamation of their professional status and reputation. It reviews the phenomenon of ratings websites and scrutinises the growing popularity of such forms of feedback, identifying benefits but also detriments of such sites.

[Faster, further, fairer: putting people at the heart of tackling the climate and nature emergency](#)

This interim report of the IPPR Environmental Justice Commission finds that to act with the ambition and at the scale that the climate and nature emergency demands, requires a new approach.

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CASES

[Cossari v Wells \[2020\] VSCA 133](#)

PRACTICE AND PROCEDURE – Civil trial – Defamation trial – Mode of trial – Jury – Party’s right to signify jury trial – Power to order trial by judge alone – Indefinite suspension of jury trials due to COVID-19 health crisis – Relevance of indefinite suspension of jury trials – Indefinite delay if trial by jury outweighing party’s right to trial by jury – Application for leave to appeal primary judge’s order dispensing with jury refused.

Re State election, Kim Wells was the elected member for the seat of Rowville.

HELP DESK SERVICES

Thomson Geer is delighted to offer access to the Victorian Government to its Legal Help Desk on our usual terms of engagement and as set out below.

Scope

We are pleased to be able to work collaboratively with the Victorian Government to offer the following services (at no charge):

- advice regarding discrete and non-complex legal queries – up to 30 minute teleconference with a Partner, Special Counsel or relevant Senior Associate or, short written advice (max. 1 page);
- the opportunity to ‘brainstorm’ or discuss topical and complex legal issues with industry specialists – up to 30 minute teleconference with a Partner, Special Counsel or relevant Senior Associate; and
- a dedicated library resource to assist Victorian Government departments and agencies research relevant case law, statutes, regulations and articles.

Please note that the Help Desk Services are only available in respect of any matter which is currently unallocated i.e. to this firm or any other firm.

Key Contact and Help Desk Process

You can access the Help Desk by:

- (a) Calling 03 8080 3604; or
- (b) Emailing legalhelpdesk@tglaw.com.au

Once relevant details are received from you (whether that be by email or over the phone) it will be directed to the appropriate Thomson Geer Partner, Special Counsel or Senior Associate. The Help Desk number and email address will be monitored during normal business hours (9.00 am to 5.00 pm (EST), Monday to Friday).

Thomson Geer will use its best endeavours to provide the Help Desk Services within one business day of the query being logged.

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